

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings are formal drawings and include changes to the figures such that all figures have solid, uniform lines and the shading has been removed. No substantive changes have been made to the drawings.

Attachment: Replacement Sheets 1, 2 and 3 depicting Figs. 1-8.

REMARKS

In the most recent final office action dated August 18, 2006, claims 1-20 were examined. The drawings stand objected to for being informal. Claims 1-8 and 17-20 stand rejected under 35 U.S.C. § 102(b) as anticipated by Solomon, U.S. Patent No. 4,505,388. Claims 9-16 stand rejected under 35 U.S.C. § 103 as obvious over Solomon in view of Fletcher, U.S. Patent No. 4,666,047.

In response to the office action, applicants file a Request for Continued Examination, the required fee, a set of formal drawings, and an amended set of claims. A Notice of Allowance is respectfully requested.

Claims 1, 2, 4-10, and 12-16 are Allowable.

Independent claims 1 and 9, as amended, are allowable over Solomon alone or in combination with Fletcher. Each of claim 1 and 9 recites, in part, a first panel and a second panel extending rearwardly from and pivotable with the openable panel, and that the file suspension device includes a first rail adjacent the first panel and a second rail adjacent the second panel, each rail extending rearwardly from and pivotable with the openable panel. Support for the claimed rail can be found in the specification with reference to the suspension surfaces 54. One of ordinary skill would understand that a suspension surface for a hanging file folders would include a rail.

Solomon fails to disclose the noted rails. While Solomon discloses a pair of panels 66 that extend rearwardly from an openable panel 16 and are pivotable with the panel 66, Solomon further discloses that the hanging files 42 bear directly on the top edges of the rearwardly extending panels 66: “The support means for the hanging files comprises the upper edges of the respective side panels.” Solomon, col. 2, lines 55-56. Solomon simply

fails to disclose any rails that are adjacent the panels 66 and that are pivotable with the panel 16 that can suspend the hanging files. Accordingly, Solomon fails to anticipate claims 1 and 9.

Claims 1 and 9 are further non-obvious over Solomon because Solomon teaches away from a pair of rails extending rearwardly from and pivotable with the openable panel, and that are adjacent the side panels 66. The purpose of Solomon is to provide a system that expands and contracts the amount of storage space for hanging files. When the front panel 16 is pivoted back, the storage space is compressed, but when the front panel 16 is pivoted outwardly and the lid 26 is rotated back, the previously compressed hanging files are expanded outwardly for easy access: “This invention relates to files and, more particularly, to a novel and highly-effective portable file case that expands when in use to permit finger access to hanging files stored therein [].” Solomon, col. 1, lines 5-8.

To achieve this end, Solomon discloses that, when the panel 16 is retracted, the hanging files are supported both by the top edge of the movable side panels 66 as well as the top edge of the fixed, outer side panels 12, 14: “The side panels 12 and 14 are formed with supports 40 (see especially FIG. 3) for supporting a plurality of hanging files 42 inside the case 10.” But when the front panel 16 is rotated out to expand the storage space, many files will slide forward of the supports 40 and only be supported by the movable side panels 66. Those same files are then slid back onto the supports 40 when the front panel is rotated back.

Accordingly, Solomon teaches this specific construction and interaction of the supports 40 and the top edges of the panels 66 (with no rails inward of the side panels 66) to achieve his object of an expandable file system. Solomon fails to suggest adding the rails as claimed because files hanging on the rails could not interact with the supports 40 as taught by

Solomon to form an expandable file system. Solomon teaches away from the claimed rails for this reason alone.

Further, Solomon's desire to create an expandable file system presents certain difficulties that the claimed device remedies. In sliding the hanging files backwardly from just the side panels 66 and onto the supports 40, as disclosed in Solomon, the hooks of the files may catch on the front portion of the supports 40. This, of course, makes it difficult to move the files backward. The claimed device, with rails inward of the side panels, does not require that the files be transferred from one supporting edge to two supporting edges when moving the front panel back and forth. Because Solomon teaches away from the claimed construction, Solomon cannot be used as a prior art reference. Fletcher was cited only for its disclosure of notches, and therefore fails to remedy the deficiencies of Solomon.

Claims 2, 4-8, 10 and 12-16, which depend from claims 1 and 9, are allowable for at least the same reasons.

Claims 17-21 are Allowable.

Claim 17, as amended, is allowable over Solomon alone or in combination with Fletcher. Claim 17 recites, in part, that the exterior shell has a top panel, and the openable panel is pivotable independently of the position of the top panel.

Solomon discloses a top cover 22, and further discloses that when the front panel 16 is in the retracted position and the top cover 22 is in the closed position, the top cover 22 locks the front panel 16 in the retracted position. For example, Fig. 4 of Solomon shows that the top cover 22 includes two fingers extending downwardly with a recess in between. The front panel 16 includes a finger extending upwardly into the recess between the two fingers. There is simply no way for the front panel 16 to pivot forwardly while the top cover 22 is in the

closed position. Instead, the top cover 22 must be rotated upwardly to allow the front panel 16 to pivot forwardly. Because Solomon fails to disclose a front panel that is pivotable independently of the position of the top panel claim 17, it is respectfully submitted that claim 17 is novel over Solomon.

Solomon further fails to suggest the claimed construction in a manner that would render claim 17 unpatentable under 35 U.S.C. § 103. Solomon desires that his filing system be portable. If the front panel were pivotable when the top cover 22 was down, the front panel could pivot out during transport. This, of course, is in direct contradiction to Solomon's objectives. Again, Fletcher was cited only for its disclosure of notches and again fails to remedy the deficiencies of Solomon. Claim 17 is allowable over the art of record.

Because claim 17 is allowable, dependent claims 18-21 are allowable for at least the same reasons. Specifically, new claim 21 recites a fixed, substantially horizontal top panel. Solomon discloses a rotatable top cover 22, and therefore fails to anticipate claim 21. Further, Solomon discloses that the front panel 16 is only openable when the top cover 22 is pivoted upwardly. This is in direct contrast to the claim, which recites that the openable panel can be pivoted forwardly even when the top panel is in a fixed, generally horizontal position.

CONCLUSION

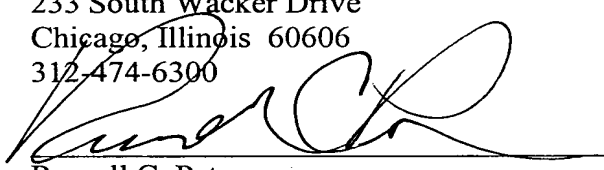
In view of the above amendment, the pending application is in condition for allowance. If, in the opinion of the examiner, a telephone conference would expedite prosecution of the subject application, the examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 29618/39225/US.

Respectfully submitted,

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Attachments

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REPLACEMENT SHEETS